

EXHIBIT I



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October 8, 2007

By Fax: 212-370-4453 and Email

Marshall Turner
 Condon & Forsyth, LLP
 Times Square Tower
 7 Times Square
 New York, NY 10036

Re: All Nippon Airlines

Dear Marshall:

This letter will respond to yours of October 5, 2005 relative to my proposed protective order and your comments regarding same:

- **I. A:** Delete "under Rule 26(f) F.R.C.P." and I am otherwise fine with the proposed change.
- **II. B:** I cannot agree to the deletion of "and any information derived therefrom" in this or any of the other paragraphs where that language appears. The attorney eyes only information is highly proprietary, and any information derived from that highly proprietary material must remain confidential. Accordingly, we also cannot agree to the similar deletion at IC or 1D.
- **I. F:** I will agree to the deletion, although both sides could probably benefit from having the ability post-deposition to designate as confidential items which may inadvertently not have been so designated at the deposition itself.
- **II. C:** With regard to your insert (Attachment No. 2) at Item B, it should read "any Confidential Information that is made available ..." versus "becomes available." At item "c," there is a word missing and the first line should read "any information that the receiving party has the possession of prior to ...". With regard to item "e," I do not agree to inclusion of that paragraph since it opens up a potential dispute over what information was developed with or without reference to the confidential information.

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- III: I do not agree to substituting designating for objecting party. The objecting party should bear the responsibility to seek court intervention, not the designating party.

- IV: The deletion in the first paragraph is acceptable, but the deletion in the second paragraph is not. Presumably, experts will be provided with attorney eyes only confidential information at some point, and before they do receive this information, they, too, must be agreeable to and bound by the terms of the protective order.

- V: Is there a reason why inadvertent disclosure should not be subject to corrective action?

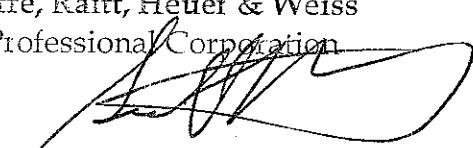
- IX: Information provided by third parties (for example, experts) if in any way derived from confidential information should thus be capable of being treated as confidential. Is there a reason not to do so and thus, a reason not to include this language?

- XI: With regard to information that is attorney's eyes only, we believe this to be of such a sensitive nature that it would cause irreparable harm if the protective order is not strictly adhered to. As a compromise, we can rewrite this paragraph to state that with respect to attorney's eyes only designated documents, violation of the protective order would result in irreparable harm so that we could seek injunctive relief if violations occur.

Once you have a chance to review my comments, please call so we can discuss them further. To the extent we have remaining differences, we can ask the court to rule on them. The motion must be filed by Tuesday, October 9, so please contact me at your earliest convenience to discuss these outstanding issues.

Very truly yours,

Jaffe, Raitt, Heuer & Weiss
 Professional Corporation



Scott R. Torpey

SRT/pln
 Enclosure

c: Frank Silane (*by email*)

Timothy Eskridge (*by email*)

Rod Margo (*by email*)

Scott Cunningham (*by email*)

Jeff Worthe (*by email*)

Case 3:07-cv-03422-EDL

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Filed 10/09/2007

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*** TX REPORT ***

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CONNECTION ID	
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Today's Date: 10/8/07

Send By This Time: ASAP

Name	fax #	Phone#
To: Marshall Turner	212-370-4453	
From: Scott R. Torpey		Return To: Phyllis L. Nelson
No. of Pages including Transmittal Sheet: 3		

Message: Please see attached.